

Chain, Dawkins, Jones, McQueen, Roger, Starke, Simkins, and Watlington—13.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

A bill to be entitled an Act to amend the road law, and to repeal a certain act relating to Santa Rosa county, herein named;

Was read the third time and put upon its passage;

The vote was;

YEAS—Mr. President, Messrs. Baldwin, Bowers, Brokaw, Call, Chain, Dawkins, Ingram, Jones, Magbee, McQueen, Rogers, Starke, Simkins, Walker and Watlington—16.

Nays—none.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

On motion the Senate adjourned till to-morrow, 12 o'clock, M.

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WEDNESDAY, January 16, 1861.

The Senate met pursuant to adjournment.

A quorum present.

On motion the reading of yesterday's journal was dispensed with, amended and adopted.

A committee from the House appeared at the bar and informed the Senate that they had been appointed a committee on the part of the House to return Senate bill to be entitled an Act in relation to pilotage at the port of Fernandina.

Mr. Magbee gave notice that he would on to-morrow introduce the following bills:

A bill to be entitled an Act to provide for the payment of the Florida volunteers and others who have not been paid for services actually rendered the State of Florida in the last war with the Seminole Indians; and

A bill to be entitled an Act to allow sheriffs costs for advertising their sales in the public gazettes of the State.

Pursuant to previous notice Mr. Magbee begs leave to introduce the following bill:

A bill to be entitled an Act to establish the Bank of Tallahassee at Tallahassee;

Which was placed among the orders of the day.

Mr. Simkins gave notice that after to-day he will introduce the following bills:

A bill to be entitled an Act to amend an Act concerning roads and highways in this State;

A bill to be entitled an Act for the protection of heirs, minors and wards against injustice in this State and for other purposes; and

A bill to be entitled an Act to amend an Act entitled an Act to authorize the appointment of measurers and inspectors of Lumber and for other purposes.

Pursuant to previous notice Mr. Brokaw begs leave to introduce the following bill:

A bill to be entitled an Act for the relief of Edward M. West, Justice of the Peace of Leon County.

Which was placed among the orders of the day.

On motion of Mr. Magbee the resolution to draw a complete financial system for the State of Florida;

Was placed first among the orders of the day.

Mr. Call moved that the bill entitled an Act to amend the pilot laws of the port of Fernandina, which passed the Senate November 30th, without being engrossed, be engrossed and the proper endorsements placed on the engrossed bill, and the same be returned to the House;

Which was adopted.

Mr. Call from the joint Judiciary committee made the following report:

The Joint Select Committee on the Judiciary, to whom was referred the Senate bill entitled "an Act to suspend the action of sections 6th and 11th of the General Banking Law of the State of Florida, and for other purposes," and also the House bill entitled "an Act to authorize the suspension of specie payments by the banks of the State and the agency of banks that are engaged in the banking business in this State,"

REPORT:

That they are divided as to the necessity, and also as to the constitutionality of either of said acts. There are but three banks now organized and in operation in this State: one at Fernandina, under a charter, one in Tallahassee, and one at Jacksonville—each organized under the General Banking Law. The President of the Bank of Fernandina has notified your committee that the condition of that bank does not demand the passage of any suspension bill and that having ample means to meet all her liabilities in coin, it is not

likely that that bank would take advantage of the suspension bill if it should pass.

The President of the State Bank of Florida, located at Tallahassee, has also informed your committee that though he is desirous that the suspension bill should pass, and would recommend to his Board of Directors to avail themselves of its provisions, yet he does not know whether his Board would consent, and that the means of the Bank are ample to meet its liabilities in specie, unless the political condition of the country should at once cause a drain upon its specie and prevent the possibility of the banks replacing the amount thus drawn out. A contingency in the apprehensions of which your committee do not share.

In reference to the Bank of St. John's, located at Jacksonville, your committee are not so well informed, not having been able to communicate with any of its officers. It is currently reported that that bank has suspended specie payments about one month since, and if this be true it is probable that the legalization of the act is desired by it. But the very fact that such suspension, (made without warrant of law, but in obedience to the presumed wishes of the community where the bank is located,) has been attended so far with no injurious consequences to the bank, that none of its notes have been protested and filed with the Comptroller, as is provided may be done by the 6th and 11th section of the General Banking Act, and that no attempt has been made to force the stocks of the bank on the market in this period of general depreciation, is to the minds of several of your committee conclusive proof that it is better to compel the banks to trust to the generosity of the public, than the public to the generosity of a bank legally authorized to repudiate its obligations.

In reference to the constitutionality of the proposed bills, although the constitution expressly requires all bank liabilities to be paid in specie, your committee have not doubted that it was entirely within their power to relieve the banks from any forfeiture of charters or penalties payable to the State by reason of the non-payment of specie for their liabilities, and a majority of them are of opinion that the Legislature might with propriety, consulting the interests of the note-holders, amend the 6th and 11th sections of the General Banking Act, by prescribing the time, mode and manner in which the Comptroller of the State should proceed to sell the stocks deposited with him to secure the prompt payment of the bills of the banks, in which particulars the law is at present so vague as to be entirely unavailable to the bill holder. But the 31st section of the General Banking Law provides that every such "association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused, damages for non-payment thereof in lieu of interest, at and after the rate of

"fourteen per cent. per annum, from the time of such refusal until the payment of such evidence of debt and the damages thereof." A majority of your committee are decidedly of the opinion that this provision is a part of the contract between the banks and their bill-holders and cannot be altered by the General Assembly, so far as any bills now in circulation are concerned. The charter of the Bank of Fernandina has a similar claim, the damages being twelve per cent.

These considerations have induced your committee to report against the legislation of the act of suspension, but they are at the same time compelled to admit the apparent hardship of this course should the suspended currency of our neighboring States continue to be received, not only by the community at large but by all the officers of Government, upon the same terms and conditions as the specie paying currency of our own State. The result of this must of necessity, be the ultimate total substitution of this suspended currency for specie or specie funds. They have, therefore, reported a bill relieving the banks from the unnecessary expenses of protest on their bills, reducing the interest on such notes as the banks may hereafter issue and fail to pay from fourteen to six per cent., and prescribing what funds may be received and paid out by the several receivers of public money in this State, the passage of which they recommend. The provision in one of the bills referred to them, providing for a stay of executions, is also a matter on which your committee are divided. Having determined against the bank suspension bill, a portion of the committee are disposed to report against any stay law, as this measure, however, is altogether dependent on its own merits. The committee report a bill entitled "an Act providing for a stay of executions," which a majority of them believe to be constitutional.

GEO. W. CALL,
Chairman Senate Committee.
D. H. MAYS,
Chairman House Committee.

Which report was received and read and bills placed among the orders of the day.

Mr. Magbee, from the Committee on Corporations made the following report:

Mr. Magbee from the committee on Corporations, to whom was referred the bill to be entitled an Act to incorporate the La Villa Institute, near Jacksonville, Florida,

REPORT:

That they have had the same under consideration, and recommend that said bill do pass.

JAMES T. MAGBEE,
Chairman.

Which was received and read and bill placed among the orders of the day.

Mr. Ingram, from the committee on Engrossed bills, made the following report:

The committee on Engrossed bills beg leave to report the following bills as being correctly engrossed:

A bill to be entitled an Act to change the name of Nepcy Williams to that of Nepcy Cheshire;

A bill to be entitled an Act to facilitate the Express business;

A bill to be entitled an Act to change the name of Thomas J. Danford to Thomas Jefferson Cook, and for other purposes; and

A bill to be entitled an Act to alter the majority of women.

Respectfully submitted,

TILLMAN INGRAM,
Chm'n Com. on Engrossed bills.

Mr. Baldwin from the committee on Claims and Accounts made the following report:

The Committee on Claims and Accounts, to whom was referred a resolution for the relief of George B. Ellis, of Alachua county, beg leave to

REPORT:

That they have had the same under consideration, and have examined the accompanying certificates, from which they are satisfied that the charge of five hundred and forty dollars on the Comptroller's Book against George B. Ellis, for fines collected by him as Sheriff of Alachua County, ought not to be enforced, from the fact that the said fines have never been collected by the said Ellis, and there is sufficient evidence presented to your committee to warrant them in the belief that there has been no negligence or dereliction of duty on the part of said Ellis, that these fines has not been collected.

Therefore the committee have authorized me to recommend that the accompanying resolution for the relief of George B. Ellis do pass.

A. S. BALDWIN,
Ch'm. Comm. Claims and Accounts.

Which report was received and resolution placed among the orders of the day.

Mr. Call from the joint Judiciary committee made the following report:

The Joint Committee on the Judiciary, to whom was referred the bill to be entitled an Act to establish the records of Columbia county, and for other purposes, beg leave to

REPORT:

That they have had the same under consideration, and recommend that said bill, together with the amendments to the same attached, be allowed to pass.

GEO. CALL,
Chairman Senate Com.
D. H. MAYS,
Chairman House Com.

Which report was received and bill placed among the orders of the day.

Mr. Call from the joint Judiciary committee made the following report:

The Joint Judiciary Committee to whom was referred the Senate bill to be entitled an Act to change the mode of selecting grand and petit jurors, beg leave to

REPORT:

That they recommend its passage with the following alterations: Strike out sections 2, 4 and 5, and insert the accompanying substitute, number 2, 4 and 5. Add section 11, 12 and 13, herewith reported.

GEO. CALL,
Chairman Senate Comm.
D. H. MAYS,
Chairman House Comm.

Which report was received and bill placed among the orders of the day.

Mr. Call, from the Joint Judiciary Committee, made the following report:

The Joint Judiciary Committee of the two Houses, to whom was referred the Senate bill to be entitled an Act to facilitate Criminal proceedings, beg leave to

REPORT:

That they have had the same under consideration, and recommend that the 5th section thereof be stricken out, and the bill do pass.

GEO. CALL,
Chairman Senate Comm.
D. H. MAYS,
Chairman House Comm.

Which report was received and bill placed among the orders of the day.

Mr. Call moved that a joint committee of ways and means, consisting of three members from each House be appointed and authorized to apply to the Convention now in session, for any additional powers which may be suggested to carry on the government during the present emergency;

Which was, on motion, placed with the resolution to draw a bill for a complete financial system, placed first among the orders of the day.

Mr. Ingram, from the Select Committee, made the following report:

The select committee, to whom was referred a bill to be entitled an Act to authorize and empower Florida A. Stanly to assume the management of her own estate, have had the same under consideration, and recommend the passage of the bill.

TILLMAN INGRAM, Chairman.
S. St. GEO. ROGERS,
GILES BOWERS.

Which report was received and bill placed among the orders of the day.

ORDERS OF THE DAY.

Resolution to draw a bill for a complete financial system for the State of Florida;

Was read the second time.

Mr. Call moved as a substitute the motion made by him, that a joint committee of ways and means be appointed and authorized to apply to the Convention now in session, for any additional powers which may be suggested to carry on the government during the present emergency, which, together with the resolution, was referred to a special committee, consisting of Messrs. Magbee, Call, and Dawkins.

A bill to be entitled an Act to encourage the formation of the

mounted and cavalry companies in this State, for military service;
Was read the first and second time by its title, and referred to the committee on militia.

A bill to be entitled an Act to change the name of George R. Clotfelter to George Washington Rosamond;

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

Resolution in regard to the erection of a monument to the late Captain John Parkhill;

Which was read the first time, rules waived, read a second and third time, and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Baldwin, Bowers, Brokaw, Call, Chain, Dawkins, Ingram, Jones, Magbee, McQueen, Rogers, Starke, Simkins, Walker and Watlington—16.

Nays—none.

So said resolution passed—title as stated.

On motion, a committee consisting of Messrs. Rogers, McQueen and Baldwin were appointed to convey said bill to the House of Representatives;

Which committee after a short absence returned, and reported that they had performed their duty and were discharged.

A bill to be entitled an Act to establish the Bank of Tallahassee;

Was read the first time and ordered for a second reading on to-morrow.

A bill to be entitled an Act to change the name of Nepcy Williams to that of Nepcy Cheshire;

Was read the third time and put upon its passage;

The vote was:

Yeas—Mr. President, Messrs. Bowers, Call, Chain, Dawkins, Ingram, Jones, Magbee, McCall, McQueen, and Simkins—11.

Nays—Messrs. Baldwin, Brokaw, Rogers, Starke and Walker—5.

So said bill passed—title as stated.

Ordered that the same be certified to the House of Representatives.

Resolution for the relief of George B. Ellis, of Alachua county:

Was read the second time and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an Act for the relief of the Banks in this State, and for other purposes;

Was read the second time, the amendments reported by the Judiciary committee adopted, and 80 copies of the same ordered to be printed.

Also the bill recommended by Judiciary committee in their report to be entitled "an Act providing for a stay of executions;"

Was read and 80 copies ordered to be printed.

A bill to be entitled an Act to incorporate the Florida & Georgia Railroad Company;

Was read the second time and on motion referred to the committee on Corporations.

A bill to be entitled an Act to incorporate the La Villa institute near Jacksonville, Florida;

Was read the second time by its title and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled an Act to facilitate criminal proceedings;

Was read the second time and the 5th section of the bill as recommended by the report of the Judiciary committee was stricken out.

Mr. Rogers moved to strike out all of said bill after the enacting clause;

Upon which the yeas and nays were called for by Messrs. Magbee and McCall;

The vote was:

Yeas—Messrs. Magbee, McCall and Rogers—3.

Nays—Mr. President, Messrs. Baldwin, Bowers, Brokaw, Call, Chain, Dawkins, Ingram, Jones, McQueen, Starke, Simkins, Walker and Watlington—14.

So said motion was lost.

On motion, the Senate adjourned until 12 o'clock M. to-morrow.

THURSDAY, January 17, 1861.

The Senate met pursuant to adjournment.

A quorum present.

On motion, the reading of of the journal of yesterday was dispensed with.

Mr. Magbee gave notice that he would on to-morrow ask leave to introduce the following bill:

A bill to be entitled an Act to establish the office of Indian Agent.

Mr. Simkins gave notice that he would on some future day ask leave to introduce the following bill:

A bill to be entitled an Act to incorporate the College of St. Augustine, to be located at St. Augustine, Florida.

Mr. Chain asked leave, which was granted him, to be permitted, at the request of, and for Mr. Abercrombie, to introduce the following bills of which Mr. Abercrombie had previously given notice:

A bill to be entitled an act to charter the Marine and Fire Insurance Company of Pensacola;

A bill to be entitled an Act to charter the Florida Mutual Fire and Marine Insurance Company.

Which were placed among the orders of the day.

Pursuant to previous notice, Mr. Magbee introduced the following bills:

A bill to be entitled an Act to allow sheriffs cost for advertising their sales in the public gazettes of this State.

A bill to be entitled an Act to provide for the payment of the Florida volunteers and others who have not been paid, for services actually rendered the State of Florida in the last war with the Seminole Indians;

Also the rule was waived, he allowed without previous notice to introduce the following bill:

A bill to be entitled an Act to permit A. E. Hodges to establish a ferry across the Withlacoochee river;

Which were placed among the orders of the day.

Pursuant to previous notice, Mr. Simkins introduced the following bills:

A bill to be entitled an Act to amend an Act concerning roads and highways in this State:

A bill to be entitled an Act for the protection of heirs, minors and wards against injustice in this State and for other purposes; and

A bill to be entitled an Act to amend an Act entitled an Act to authorize the appointment of Measurers and Inspectors of Lumber and for other purposes.

Which were placed among the orders of the day.

Mr. Dawkins gave notice that he would on some future day ask leave to introduce the following bill:

A bill to be entitled an Act to improve the navigation of Chipola river and other purposes.

Pursuant to previous notice, Mr. Call introduced the following bills:

A bill to be entitled an Act to punish breaches of trust by Telegraph Operators.

A bill to be entitled an Act to define and punish slander; and

A bill to be entitled an Act to re-organize the Militia forces of this State.

Which were placed among the orders of the day.

On motion, the rule was waived, and the bill reorganizing the militia forces of this State was read the first and second time by its title and referred to committee on Militia.